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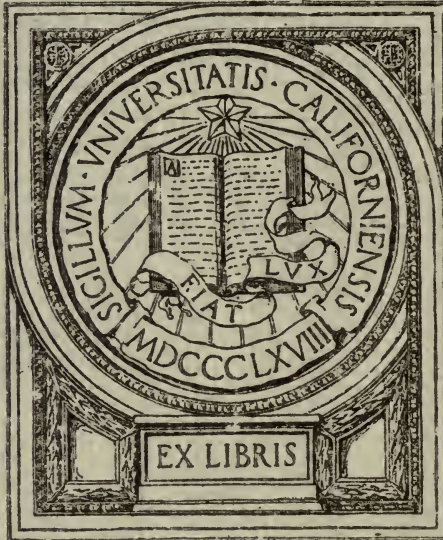
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Assembly Concurrent Resolution

No. 3

INTRODUCED BY MR. HARRIS,

JANUARY 11, 1915.

REFERRED TO COMMITTEE ON MUNICIPAL CORPORATIONS



ASSEMBLY CONCURRENT RESOLUTION No. 3,

RELATIVE TO APPROVING CHARTER OF THE CITY OF BAKERSFIELD,
COUNTY OF KERN, STATE OF CALIFORNIA, VOTED FOR AND RATIFIED
BY THE QUALIFIED VOTERS OF SAID CITY AT A SPECIAL MUNICIPAL
ELECTION HELD THEREIN FOR THAT PURPOSE ON THE SEVENTH
DAY OF NOVEMBER, 1914.

1 WHEREAS, The city of Bakersfield, a municipal corporation
2 of the county of Kern, State of California, now is, and was
3 at all times herein referred to, a city containing a population
4 of more than three thousand five hundred inhabitants, as
5 ascertained and established by the census of 1910 taken under
6 the direction of the congress of the United States; and

7 WHEREAS, At a special election duly held in said city on the
8 fifth day of May, 1914, under and in accordance with the law
9 and the provisions of section 8, article XI, of the Constitu-
10 tion of the State of California, a board of fifteen freeholders,
11 duly qualified, was elected in and by said city by the qualified
12 electors thereof to prepare and propose a charter for the
13 government of said city; and

14 WHEREAS, Said board of freeholders did, within one hundred
15 and twenty days after the result of said election was declared,

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1 prepare and propose a charter for the government of the city
2 of Bakersfield; and

3 WHEREAS, Said charter was on the 31st day of August, 1914,
4 signed in duplicate by a majority of said board of freeholders,
5 and was thereupon duly returned and filed, one copy with the
6 city clerk of the said city of Bakersfield, and the other copy
7 with the county recorder of the county of Kern; and

8 WHEREAS, Said proposed charter was thereafter published
9 ten times in the Bakersfield Californian, a daily newspaper
10 of general circulation, printed, published and circulated in
11 the city of Bakersfield on the following days of publication,
12 to wit: September 17, 18, 19, 21, 22, 23, 24, 25, 26 and 28;
13 the first publication thereof having been made within fifteen
14 days after the filing of the copy thereof on the third day of
15 September, 1914, in the office of the said city clerk; and

16 WHEREAS, Said proposed charter was, not less than twenty
17 days nor more than forty days after the completion of said
18 publication, to wit: on the seventh day of November, 1914,
19 submitted by the board of trustees of the city of Bakersfield
20 to the qualified electors of said city at a special election duly
21 called and held therein; and

22 WHEREAS, At said last mentioned special election a majority
23 of the qualified electors of said city, voting at said special
24 election, voted in favor of and duly ratified said charter as
25 proposed as a whole; and

26 WHEREAS, Said board of trustees, after canvassing the return
27 of said last mentioned special election, duly found and declared
28 that a majority of said qualified electors voting at said special
29 election had voted for, and ratified said charter as above
30 specified; and

31 WHEREAS, Said charter was ratified in the words and figures
32 following, to wit:

33 THE CHARTER OF THE CITY OF BAKERSFIELD.

34 ARTICLE I.

35 NAME AND BOUNDARIES.

36 *Name of city.*

37 SECTION 1. The inhabitants of the city of Bakersfield, as

1 its limits now are, or may hereafter be established, shall be
2 a body politic and corporate, by name the city of Bakersfield,
3 and as such shall have perpetual succession.

4 *Boundaries of the city of Bakersfield.*

5 SEC. 2. Commencing at intersection of the east boundary
6 line of Union avenue with the north boundary of Thirty-fourth
7 street, if extended easterly, thence running west along the
8 said north boundary line of Thirty-fourth street and in pro-
9 longation thereof, to the left or east bank of Kern river; thence
10 meandering southwesterly along said east bank of Kern river
11 to its intersection with the west boundary line of Oak street;
12 thence south along the west boundary line of Oak street to
13 its intersection with the south boundary line of Palm street,
14 if extended westward; thence east along the south boundary
15 line of said Palm street, if so extended, to the west boundary
16 line of H street; thence south along the west boundary line
17 of H street to the south boundary line of Fourth street; thence
18 east along the south boundary line of Fourth street and the
19 extension of same to the east boundary line of said Union
20 avenue; thence north along the east boundary line of said
21 Union avenue to the intersection thereof with the south bound-
22 ary line of section twenty-nine (29), township twenty-nine
23 (29) south, range twenty-eight (28) east, Mount Diablo base
24 and meridian; thence east to the southeast corner of the
25 southwest quarter of section twenty-eight (28), township
26 twenty-nine (29) south, range twenty-eight (28) east, Mount
27 Diablo base and meridian; thence north one mile to the north-
28 east corner of the northwest quarter of said section twenty-
29 eight; thence west to the northwest corner of the northwest
30 quarter of said section twenty-eight; thence north to the north-
31 east corner of the southeast quarter of section twenty (20),
32 township twenty-nine (29) south, range twenty-eight (28)
33 east, Mount Diablo base and meridian; thence west to the
34 center of said section twenty; thence south on the half-section
35 line of said section twenty to the north boundary line of said
36 section twenty-nine; thence west on said boundary line to the

1 east boundary line of Union avenue; thence north on said east
2 boundary line of Union avenue and Union avenue extended,
3 to the place of beginning.

4 ARTICLE II.

5 POLITICAL SUBDIVISION.

6 *Ward divisions.*

7 SEC. 3. The city of Bakersfield shall be divided into seven
8 political subdivisions, which shall be known as wards, and shall
9 be described, bounded and numbered as follows:

10 *First ward.*

11 SEC. 4. All that portion of the city of Bakersfield lying east
12 of the center line of Baker street.

13 *Second ward.*

14 SEC. 5. All that portion of the city of Bakersfield lying
15 west of the center line of Baker street, and otherwise bounded
16 by wards Three, Four and Seven.

17 *Third ward.*

18 SEC. 6. Beginning at the intersection of the center line of
19 Twenty-fourth street with the center line of Chester avenue,
20 and running east along the center line of Twenty-fourth street
21 to the intersection thereof with the center line of L street;
22 thence north on the center line of L street to the intersection
23 thereof with the center line of Twenty-fourth street, between
24 L street and M street; thence east on the center line of
25 Twenty-fourth street to the intersection thereof with the center
26 line of M street; thence south on the center line of M street to
27 the intersection thereof with the center line of Twenty-fourth
28 street east thereof, thence east on the center line of Twenty-
29 fourth street and the center line of Twenty-fourth street
30 extended to the center line of the Kern Island canal; thence
31 southwesterly and following the center line of said Kern Island
32 canal to the center line of Nineteenth street; thence west on
33 the center line of Nineteenth street to the intersection thereof
34 with the center line of Q street; thence south on the center line
35 of Q street to the intersection thereof with the center line of
36 Truxtun avenue; thence west on the center line of Truxtun
37 avenue to the intersection thereof with the center line of

1 Chester avenue; thence north on the center line of Chester
2 avenue to the point of beginning.

3 *Fourth ward.*

4 SEC. 7. All that portion of the city of Bakersfield lying
5 west of the center line of Chester avenue and north of the
6 center line of Eighteenth street and the continuation thereof.

7 *Fifth ward.*

8 SEC. 8. Beginning at the intersection of the center line of
9 Chester avenue with the center line of Eighteenth street;
10 thence south on the center line of Chester avenue to the bound-
11 ary line between sections thirty and thirty-one, township
12 twenty-nine south, range twenty-eight east, M. D. B. and M.;
13 thence west along said boundary line to the west boundary
14 line of the city; thence north on said west boundary line to the
15 southwest corner of the Fourth ward; thence east on the south
16 boundary line of said Fourth ward to the place of beginning.

17 *Sixth ward.*

18 SEC. 9. All that portion of the city of Bakersfield lying
19 south of the south boundary line of the Fifth ward and west
20 of the center line of Chester avenue, as the same is now, or
21 may hereafter be extended.

22 *Seventh ward.*

23 SEC. 10. All that portion of the city of Bakersfield lying
24 south of the center line of Truxtun avenue and between the
25 center line of Union avenue, as the same now is or may here-
26 after be extended, and the center line of Chester avenue, as
27 the same now is, or may hereafter be extended.

28 *Voting precincts.*

29 SEC. 11. The council shall establish voting precincts under
30 the provision of state law, but each shall be wholly in one
31 ward, nor shall the boundaries of a precinct be changed within
32 twenty days before an election.

33 ARTICLE III.

34 LEGISLATIVE DEPARTMENT.

35 *Rights and liabilities.*

36 SEC. 12. The city may use a corporate seal; may sue and
37 be sued; may acquire property in fee simple or lessor interest,

1 by estate, purchase, gift, appropriation, devise, lease, lease with
2 privilege to purchase, for any municipal purpose; may sell,
3 lease, hold, manage and control such property; may make any
4 and all rules and regulations, to carry out all covenants or con-
5 ditions of any conveyance, deed, gift, bequest or lease; may
6 acquire, construct, own, lease, operate and regulate public
7 utilities, may engage in the manufacture, sale or distribution
8 of any commodity generally used by the inhabitants of the city
9 of Bakersfield; may assess, levy and collect taxes and provide
10 penalties for non-payment thereof, for general and special pur-
11 poses, on all subjects or objects which the city may lawfully
12 tax; may enforce the lien of taxes and penalties against
13 property, for taxes assessed and levied thereon, by sale thereof;
14 may borrow money on the faith and credit of the city, by sale
15 of bonds or notes of the city; may appropriate the money of
16 the city for all lawful purposes; may create, provide for, con-
17 struct, regulate, and maintain all things of the nature of public
18 works and improvements, hospitals, parks, playgrounds or other
19 places of amusement or entertainment, may for purposes of
20 regulation and revenue, license all persons, corporations and
21 associations engaged in any business, occupations and associa-
22 tions engaged in any business, occupation, profession or trade;
23 may establish and maintain a free municipal employment office;
24 may define, prohibit, abate, suppress and prevent all things
25 detrimental to the health, morals, comfort, safety, convenience
26 and welfare of the inhabitants of the city, and may abate all
27 nuisances and causes thereof; may regulate the construction,
28 height and material used in all buildings, and the maintenance
29 and occupancy thereof; may regulate and control the use of
30 the streets and other public places; may create, establish,
31 abolish and organize offices other than those herein provided,
32 and except as herein provided, fix the salaries and compensa-
33 tions and hours of labor of all officers and employees; may
34 make and enforce local police, sanitary and other regulations;
35 and may pass such ordinances as may be expedient for main-
36 taining and promoting the peace, good government and welfare
37 of the city; the city shall have all powers that now are, or

1 hereafter may be granted to municipalities by the constitution
2 or laws of the State of California; and all such powers, whether
3 expressed or implied, shall be exercised and enforced in the
4 manner prescribed by this charter, or when not prescribed
5 herein, in such manner as shall be provided by ordinance or
6 resolution of the council. The enumeration of particular
7 powers by this charter shall not be held or deemed to be
8 exclusive, but, in addition to the powers enumerated herein,
9 the city shall have, and may exercise all other powers which,
10 under the constitution and laws of California, it would be
11 competent for this charter specifically to enumerate.

12 *Public entertainment.*

13 SEC. 13. The city may appropriate money for any or all
14 of the following purposes: reception and entertainment of
15 public guests, assistance of public celebrations held by the city
16 at large, to aid or carry on the work of inducing immigration
17 to the city; and generally, for the purpose of advertising the
18 city, *provided, however*, that the aggregate expenditures for all
19 of said purposes shall not exceed in any fiscal year the sum of
20 two cents on each one hundred dollars of the assessed value of
21 property.

22 *Legislative powers of council.*

23 SEC. 14. The legislative power of the city, except as reserved
24 to the people by this charter, shall be vested in a council of
25 seven members, one to be elected from each of the seven wards
26 of the city by the electors thereof.

27 *Term of office.*

28 SEC. 15. Councilmen shall be elected for a term of two
29 years, and shall serve until their successors are elected or
30 appointed and have qualified.

31 *Vacancies in council.*

32 SEC. 16. Vacancies in the council shall be filled by the coun-
33 cil, for the unexpired term, except when caused by recall elec-
34 tion. When a vacancy occurs in the council, electors in the
35 ward in which the vacancy occurred, equal in number to twenty-
36 five per cent or more of the total vote cast for councilman
37 therein, at the last general election, may file a petition, praying

1 for a special election, to fill such vacancy. When such petition
2 is filed, the signatures thereto shall be verified and certified,
3 as provided for petitions for recall elections, and it shall there-
4 upon be mandatory on the council to call such special election,
5 within thirty days thereafter. If no such petition be filed
6 within two weeks after the vacancy occurs council shall proceed
7 to fill such vacancy.

8 *Qualifications of councilmen.*

9 SEC. 17. Members of the council, and candidates therefor,
10 shall be residents of the city for three years and electors of the
11 ward which they represent. Councilmen shall not hold any
12 other public office except that of notary public or member of
13 the state militia, and shall not be interested in any contract,
14 job, work or service for the municipality. Any member who
15 shall cease to possess any of the qualifications herein required
16 shall forfeit his office, and any such contract, in which any
17 member is or may become interested, shall be void. No mem-
18 ber of the council shall, except in so far as is necessary in the
19 performance of the duties of his office, directly or indirectly
20 take any part in the appointment, promotion or dismissal of
21 any officer, or employee in the service of the city other than
22 the officers or employees of the council.

23 *Salary of councilmen.*

24 SEC. 18. The salaries of the councilmen first elected under
25 this charter shall be fifty dollars per month. Thereafter the
26 council may, by ordinance submitted to a referendum at any
27 municipal election, change the salary of members of the council.

28 *Meetings of council.*

29 SEC. 19. On the second Monday following a regular municip-
30 al election, the council shall meet in the council chambers of
31 the city hall at 8 p.m., at which time the newly elected and
32 qualified councilmen shall assume the duties of their office.
33 Thereafter the council shall meet at such times as may be pre-
34 scribed by ordinance or resolution. Any four members thereof
35 may call special meetings of the council upon notice to each
36 member. Such notice shall state the subjects to be considered
37 at the meeting and no other subjects shall be there considered.

1 All meetings of the council shall be public and any citizen shall
2 have access to the minutes and records thereof at all reasonable
3 times.

4 The council shall determine its own rules and order of busi-
5 ness and shall keep a minute book of its proceedings.

6 *President of council.*

7 SEC. 20. At the first meeting after assuming the duties of
8 the office, the council shall elect one of its members president
9 who shall hold the title of mayor, and preside at meetings of
10 the council. He shall be the chief executive of the city and
11 perform such other duties as presiding officer as may be
12 imposed upon him by the council. In the absence of the presi-
13 dent, the council shall elect a president pro tempore.

14 *Legislative procedure.*

15 SEC. 21. The council shall be the judge of the election of its
16 members. A majority of all members shall be a quorum to do
17 business, but a less number may adjourn from day to day and
18 compel the attendance of absent members in such manner and
19 under such penalties as may be prescribed by ordinance. The
20 affirmative vote of a majority of the members of the council
21 shall be necessary to adopt an ordinance or resolution. The
22 vote upon the passage of all ordinances and upon the adoption
23 of such resolutions as the council by its rules prescribe, shall
24 be taken by "yeas" and "nays" and entered upon the journal.

25 *Ordinance enactment.*

26 SEC. 22. Each proposed ordinance or resolution shall be in
27 written form and shall contain but one subject which shall be
28 stated in the title; but general appropriation ordinances may
29 contain the various subjects and accounts for which moneys
30 are to be appropriated. The enacting clause of all ordinances
31 passed by the council shall be, "Be it ordained by the council
32 of the city of Bakersfield as follows." The enacting clause of
33 all ordinances submitted by the initiative shall be, "Be it
34 ordained by the people of Bakersfield as follows:".

35 *Emergency measures.*

36 SEC. 23. All ordinances and resolutions shall be in effect
37 from and after thirty days from the date of their passage,

1 except as otherwise provided in this charter. The council may,
2 by a two-thirds vote of the members, pass emergency measures
3 to take effect at the time indicated therein.

4 *Definition of emergency measure.*

5 SEC. 24. An emergency measure is an ordinance or resolu-
6 tion for the immediate preservation of the public health, peace,
7 property or safety, or providing for the daily operation of a
8 municipal department in which the emergency is set forth in
9 the preamble thereto. Ordinances appropriating money may
10 be passed as emergency measures, but no measure making a
11 grant of a franchise or other special privilege, or regulating
12 the rate to be charged for its services by any public utility
13 shall ever be so passed.

14 *Initiative petition.*

15 SEC. 25. Any proposed ordinance may be submitted to the
16 council by a petition signed by registered electors of the city
17 equal to twenty-five per cent of the total votes cast at the last
18 general municipal election. The form and contents of the
19 petition and the mode of verification and certification and filing
20 shall be substantially as hereinafter provided.

21 *Procedure.*

22 SEC. 26. When such petition and ordinance is presented,
23 the clerk must endorse it, with date of filing, and within ten
24 days thereafter, he must verify the signature thereto, and sub-
25 mit it to the council at the first regular meeting thereafter.
26 The council shall pass the ordinance within ten days after its
27 submission or call a special election, to be held within forty
28 days after the clerk shall have submitted said petition, at which
29 said ordinance shall be submitted to a vote of the people.

30 *Publication of ordinance.*

31 SEC. 27. Whenever an ordinance is required by this charter
32 to be submitted to the voters of the city, such ordinance shall
33 be published in like manner as ordinance adopted by the
34 council.

35 *Form of ballot.*

36 SEC. 28. The ballots used when voting upon such ordinances
37 shall give the title in full and state the general nature of the

1 proposed ordinance and contain the words "For the Ordinance"
2 nance" and the words "Against the Ordinance" and otherwise
3 conform to the provisions of this charter. If a majority of
4 the votes cast thereon at such election be for the ordinance, it
5 shall thereupon become a valid and binding ordinance of the
6 city.

7 *Plurality of ordinance.*

8 SEC. 29. Any number of proposed ordinances may be sub-
9 mitted at the same election.

10 *Repeal or amendment.*

11 SEC. 30. The council may submit an ordinance to repeal or
12 amend any such ordinance to the electors at any succeeding
13 general municipal election; and should such proposed ordinance
14 so submitted receive a majority of the votes cast thereon at such
15 election, the original ordinance shall be repealed or amended
16 accordingly. An ordinance proposed by petition, or adopted
17 by a vote of the people, can not be repealed or amended except
18 by a vote of the people.

19 *Affidavit of signatures.*

20 SEC. 31. The petition hereinbefore referred to must be
21 signed by electors of the city and attached to an affidavit of
22 one or more of the signers thereof, that the names thereto are
23 names of electors as thereinbefore set forth and were sub-
24 scribed to the said petition in the presence of the affiant.

25 *The referendum.*

26 SEC. 32. No ordinance passed by the council shall go into
27 effect before thirty days from the time of its final passage,
28 except when otherwise required by the general laws of the state,
29 or by the provisions of this charter respecting street improve-
30 ments, and except the ordinance making the annual tax levy,
31 and except an ordinance for the immediate preservation of the
32 public health or safety; the said ordinance to contain a state-
33 ment of its urgency; *provided*, that no grant of any franchise
34 shall be construed to be an urgency measure, but all franchises
35 shall be subject to the referendum vote herein provided. If
36 before any ordinance is in force a petition signed by electors
37 of the city, equal in number to twenty-five per centum or more,

1 of the entire vote cast at the last general election, protesting
2 against the passage of such ordinance, be presented to the
3 council, said ordinance shall thereupon be suspended. The
4 council shall submit the ordinance to the electors of the city
5 either at the next general municipal election, or at a special
6 election, and such ordinance shall not go into effect unless a
7 majority of the electors voting on the same, shall vote in favor
8 thereof. The provisions of article VII respecting the forms and
9 conditions of the petition and the mode of verification and cer-
10 tification and filing, and the ballot to be used, shall be substan-
11 tially followed, with such modifications as the nature of the
12 case may require.

13 *Conflicting measures.*

14 SEC. 33. At any special election, one or more other ques-
15 tions or ordinances may be submitted to the electors either by
16 the same or by different ordinances, if said other questions and
17 ordinances are such as may legally be submitted at such elec-
18 tion, and the requirements of the charter have been complied
19 with. If two or more measures approved or adopted at the
20 same election conflict, the measure receiving the highest affirma-
21 tive vote shall control in such conflicting portions.

22 ARTICLE IV.

23 OFFICERS AND EMPLOYEES.

24 *Officers appointed by the council.*

25 SEC. 34. The council shall appoint the following officers
26 whose terms of office shall be at the pleasure of the council:

27 1. City manager, who may or may not be a resident of the
28 city at the time of his appointment.

29 2. Treasurer.

30 3. Assessor.

31 4. Attorney.

32 5. Clerk.

33 The council shall appoint the following officers whose terms
34 of office shall be for a period of two years:

35 1. Auditor.

36 2. Police judge.

37 3. Public welfare commissioners.

1 *City manager.*

2 SEC. 35. The city manager shall have general supervision
3 and direction of the administrative operation of the city
4 government.

5 *Duties of manager.*

6 SEC. 36. The duties of the manager are:

7 1. To see that all the laws and ordinances are faithfully
8 enforced by the heads of the departments;

9 2. To attend all meetings of the council at which his attend-
10 ance may be required by that body;

11 3. To recommend for adoption to the council such measures
12 as he may deem necessary or expedient;

13 4. To keep the council fully advised of the financial condi-
14 tion of the municipality and its future needs;

15 5. To prepare and submit to the auditor a tentative budget
16 for the next fiscal year;

17 6. To appoint and remove, except as herein otherwise pro-
18 vided, all officers and subordinate officers and employees of
19 the departments, in both the classified and unclassified service;
20 all appointments to be upon merit and fitness alone;

21 7. To exercise control over all other departments and divi-
22 sions that may be hereafter created by the council, and assigned
23 to his management, not in conflict with the provisions of this
24 charter;

25 8. To investigate all complaints, in regard to the service
26 maintained by any and all public utilities in the city, and to
27 take such proceedings as may be necessary to correct the abuse,
28 if any.

29 *Salary of manager.*

30 SEC. 37. The city manager shall receive such salary as may
31 be fixed by the council, and before entering upon the duties of
32 his office, he shall take the official oath required by this article.

33 *Heads of departments.*

34 SEC. 38. The following officers shall be appointed by and
35 hold office at the pleasure of the city manager:

36 1. Chief of police.

37 2. Chief of fire department.

1 3. City engineer.

2 4. Superintendent of streets.

3 5. Health officer.

4 6. Building and plumbing inspector.

5 *Duties of appointive officers.*

6 SEC. 39. The council shall define the duties of appointive
7 officers, where not otherwise provided for in this charter, and
8 where practicable, the duties of two or more officers may be
9 performed by the same person.

10 *Auditor.*

11 SEC. 40. The duties of the auditor shall be: To certify
12 to the treasurer the amount due to the city, from any
13 source, and the treasurer shall not receive such money, un-
14 less such certificate shall have been presented and filed, show-
15 ing the amount, from what source the indebtedness has
16 arisen, and to what fund it should be apportioned; to keep a
17 complete set of books, showing the balance of money in the
18 treasury, and the amount charged against each officer or em-
19 ployee; to prepare, countersign and deliver, from time to time,
20 as may be required, to the proper officer, agents or employees,
21 all licenses and receipts, charging such officer, agent or em-
22 ployee therewith, and taking his receipt therefor; to draw and
23 sign all warrants upon the treasurer for the payment of any
24 legal demand against the city, when allowed by the council,
25 or proper board or officer. No warrant shall be drawn, except
26 upon a written demand, as aforesaid, which shall be filed and
27 kept in the office of the auditor, with the date of filing, when
28 allowed, and the name of the person holding the original
29 demand against the city. He shall, upon the death or removal
30 or expiration of the term of any officer handling any funds of
31 the city, or being charged with any such funds, examine the
32 accounts of such officer or employee, and report the result of his
33 examination to the manager.

34 *Examination of records.*

35 SEC. 41. The city council shall employ, at the beginning of
36 each fiscal year, a certified public accountant who shall, at least
37 twice each year, without notice, examine the books, records,

1 and reports of the auditor and of all other officers and em-
2 ployees who receive or disburse city money, and of such other
3 officers and departments as the council may direct. Reports
4 of such examination, in triplicate, shall be made and one each
5 thereof shall be filed with the clerk, auditor and attorney.
6 Any officer, clerk or employee who shall refuse to give all
7 required assistance and information to such accountant or sub-
8 mit to him for examination such books, papers and records of
9 his office as may be required, shall forfeit his office.

10 *Uniform accounts and reports.*

11 SEC. 42. The council shall prescribe uniform forms and
12 accounts, which shall be observed by all officers and depart-
13 ments of the city which receive or disburse moneys. When-
14 ever an act shall be passed by the state legislature calling
15 for uniform municipal reports, the city authorities shall be
16 governed thereby.

17 *Qualifications of officers and employees.*

18 SEC. 43. Except as otherwise specified in this charter, the
19 qualifications of officers and employees of the city shall be as
20 follows: Each elective officer must be a citizen of the United
21 States, of the State of California, and of the city of Bakers-
22 field, for three years next preceding the date of his election.
23 Residence within the limits of any territory which has been or
24 may hereafter become annexed to the city of Bakersfield, shall,
25 after any such annexation has been accomplished, be deemed
26 and construed to have been within the city. Appointive officers,
27 members of the public welfare board, subordinate officers and
28 municipal employees, except employees in the unskilled labor
29 division, must be citizens of the United States; each member
30 of the police and fire department shall be of good repute for
31 honesty and sobriety, able to read and write the English lan-
32 guage; shall have been a resident of the city of Bakersfield for
33 one year next preceding his appointment; and further pro-
34 vided, that in appointments to positions, citizens of the United
35 States shall be employed in preference to aliens, and married
36 men and men of family in preference to single men.

1 *Oath of office.*

2 SEC. 44. Every officer of the city before entering upon the
3 duties of his office, shall take the following oath of office and
4 file the same with the clerk: I solemnly swear or affirm that I
5 will support the constitution of the United States, the constitu-
6 tion of the State of California, and the charter and ordinances
7 of the city of Bakersfield, and will truly and to the best of my
8 ability perform the duties of the office of-----

9 (Signed) -----

10 Subscribed and sworn to before me, this-----day
11 of -----, 19--.

12 *Bonds of officers.*

13 SEC. 45. All officers, commissioners, heads of departments,
14 the city manager, and any subordinates, deputies or employees,
15 as may be required by the council, shall execute a good and
16 sufficient undertaking, in such sum as may be fixed by the
17 council, for the faithful performance of their official duties,
18 signed and executed by two or more persons, or by any surety
19 company authorized to do business in the State of California.

20 *Restrictions upon officers and employees.*

21 SEC. 46. No officer, appointee or employee of the city, shall
22 be interested in any contract or transaction with the city, or
23 with any department, board, officer or employee thereof, nor
24 become surety for the performance of any contract or sub-
25 contract made with or for the city, upon any bonds given for
26 the performance thereof to the city, or contractor. No officer,
27 appointee or employee shall receive any commission, money or
28 things of value, or derive any profit, benefit or advantage direct
29 or indirect, from or by reason of any dealings with or services
30 for the city by himself or others, except his lawful compensa-
31 tion as such officer, appointee or employee. The violation of the
32 provisions of this section shall be a misdemeanor and shall
33 work the forfeiture of such office or employment.

34 *Day of rest each week.*

35 SEC. 47. No employee or police officer shall be required to
36 render services for which he is employed or appointed for more
37 than six days in any week, except in times of stress or emer-

1 agency; and when it would not result in the impairment of the
2 service of which he is engaged, Sunday shall be preferred as
3 the day of rest.

4 ARTICLE V.

5 FINANCE AND TAXATION.

6 *The fiscal year.*

7 SEC. 48. The fiscal year of the city shall commence upon
8 the first day of July each year.

9 *Tax system.*

10 SEC. 49. The council shall by ordinance provide a system
11 for the assessment, levy and collection of all city taxes not
12 inconsistent with the provisions of this charter.

13 *Compliance with state law.*

14 SEC. 50. The council shall have power to avail itself by
15 ordinance of any law of the State of California now or here-
16 after in force, whereby assessments may be made by the
17 assessor of the county in which the city of Bakersfield is
18 situated, and taxes collected by the tax collector of said
19 ccunty for and on behalf of the city of Bakersfield. Other
20 provisions of this charter concerning the assessment levy and
21 collection of taxes shall be subject to the provisions of any
22 such ordinance while the same shall be in force.

23 *Department estimates of annual requirements.*

24 SEC. 51. On or before the first Monday in April in each
25 year, or on such day in each year as shall be fixed by the
26 council, the heads of departments, offices, board and commis-
27 sions shall submit to the city manager a careful estimate in
28 writing of the amounts, specifying in detail the objects thereof,
29 required for the business and proper conduct of their respec-
30 tive departments, offices, boards and commissions during the
31 next ensuing fiscal year.

32 *Annual estimate of city's requirements and revenue.*

33 SEC. 52. On or before the first Monday in May in each
34 year, or on such date in each year as shall be fixed by the
35 council, the auditor shall submit to the council an estimate of
36 the probable expenditure of the city government for the next
37 ensuing fiscal year, stating the amount required to meet the

1 interest and sinking funds for the outstanding bonded indebt-
2 edness of the city, and the wants of all the departments of the
3 municipal government in detail, and showing specifically the
4 amount necessary to be provided for each fund and depart-
5 ment; also an estimate of the amount of income from fines,
6 licenses and other sources of revenue, exclusive of taxes upon
7 property, and the probable amount required to be levied and
8 raised by taxation.

9 *Annual budget.*

10 SEC. 53. The council shall meet annually, prior to fixing the
11 tax levy, and make a budget of the estimated amounts required
12 to pay the expenses of conducting the business of the city gov-
13 ernment for the ensuing fiscal year. The budget shall be pre-
14 pared in such detail as to the aggregate sum and the items
15 thereof allowed in each department, office, board or commission
16 as the council may deem advisable.

17 *Board of equalization.*

18 SEC. 54. The council shall meet on the first Monday in
19 August in each year, at ten o'clock in the forenoon of said day,
20 and sit as a board of equalization, and shall continue in session
21 for at least five days. They shall have power to hear complaints
22 and to correct or modify any assessment or cancel any assess-
23 ment illegally made, provided that notice shall be given to the
24 party whose assessment is to be raised.

25 *Annual tax levy.*

26 SEC. 55. The council must, not later than the first Tuesday
27 in September in each year, pass an ordinance levying upon the
28 assessed valuation of the taxable property in the city, a rate of
29 taxation upon each one hundred dollars of valuation, sufficient
30 to raise the amounts estimated to be required in the annual
31 budget, less the estimated amount to be received from fines,
32 licenses and other sources of revenue. They shall then deliver
33 the assessment roll to the auditor, who shall compute and carry
34 out the amount of the tax so levied upon each parcel of property
35 contained in said assessment roll. The corrected list for each
36 tax shall be the assessment roll of said tax for said year, and

1 it shall be certified by the auditor as being the assessment roll
2 of said tax.

3 *Limit of tax levy.*

4 SEC. 56. The tax levy authorized by the council, to meet the
5 municipal expenses for each fiscal year, shall not exceed (except
6 as herein provided) the rate of one dollar on each one hundred
7 dollars of the assessed value of all real and personal property
8 within the city. The council, if requested by the board of edu-
9 cation, shall, in addition to the tax for municipal purposes, levy
10 a tax for the adequate support of the public schools, such levy
11 not to exceed twenty-five cents on each one hundred dollars of
12 the assessed value of all real and personal property within the
13 school district.

14 *Bond tax and library tax.*

15 SEC. 57. The council shall have power to levy and collect
16 taxes, in addition to the taxes herein authorized to be levied
17 and collected, sufficient to pay the interest and maintain a
18 sinking fund of the bonded indebtedness of the city, and to pro-
19 vide for the support of free public libraries and reading rooms,
20 and for any other purpose not forbidden by this charter or the
21 laws of the state.

22 *Cash basis fund.*

23 SEC. 58. The council shall create and maintain a revolving
24 fund, to be known as the cash basis fund, for the purpose of
25 putting the payment of the running expenses of the city on a
26 cash basis. For this purpose the council shall provide that,
27 from the money collected from the annual tax levy and from
28 money received from other sources, a sum equal to not less than
29 two and one-half cents on each one hundred dollars of the
30 assessed value of said property shall be placed in such fund
31 until the accumulated amount thereof shall be sufficient to meet
32 all legal demands against the city for the first four months or
33 other necessary period of the succeeding fiscal year. The coun-
34 cil shall have power to transfer from the cash basis fund to any
35 other fund or funds such sum or sums as may be required for
36 the purpose of placing such fund or funds, as nearly as possible,
37 on a cash basis. It shall be the duty of the council to provide

1 that all money so transferred from the cash basis fund be
2 returned before the end of the fiscal year.

3 *Tax liens.*

4 SEC. 59. All taxes assessed together with any percentage
5 and penalties imposed for delinquency and the cost of col-
6 lection, shall constitute liens on the property assessed; every
7 tax upon the personal property shall be a lien upon the real
8 property of the owner thereof. The liens, provided for in
9 this article shall attach as of the first Monday in March of
10 each year, and may be enforced by action in any court of
11 competent jurisdiction to foreclose such liens, or by a sale of
12 the property affected and the execution and delivery of all
13 necessary certifications and deeds therefor, under such regu-
14 lations as may be prescribed by ordinance; *provided*, that
15 when real estate is offered for sale for city taxes due thereon,
16 the same shall be struck off and sold to the city, in like case
17 and in like manner and with like effect and with like right of
18 redemption and with like right of sale by the city, as it
19 may be struck off and sold to the state when offered for sale
20 for county taxes and sold by the state.

21 *Disposition of money collected.*

22 SEC. 60. Every officer collecting or receiving any funds
23 belonging to or for the use of the city shall settle for the same
24 immediately. The council may provide, in its discretion, for
25 the deposit of the city's funds in banks in accordance with
26 the state law.

27 ARTICLE VI.

28 DEPARTMENT OF PUBLIC WELFARE.

29 *Departments.*

30 SEC. 61. The department of public welfare shall include
31 the following subordinate departments:

32 Public health and sanitation.

33 Public charities.

34 Parks and playgrounds.

35 *Commission to control.*

36 SEC. 62. The department shall be under the administra-
37 tive control of a commission of seven members, who shall serve

1 without compensation, and shall be appointed one from each
2 ward by the council, for a term of two years. The operative
3 management of each department shall be under the direction
4 and control of a head official to be appointed by the manager.
5 Public welfare commissioners shall have charge of the inspection
6 and supervision of all public amusements and entertain-
7 ments, with full police powers to control, censure or suppress
8 anything detrimental to public morals.

9 *Department of public health.*

10 SEC. 63. The department of public health shall be under
11 the control and management of the health officer, who must
12 be a physician licensed to practice medicine and surgery in
13 California, who shall have supervision of all matters pertain-
14 ing to the sanitary conditions of the city and the health of its
15 inhabitants. He shall have power, and it shall be his duty:

16 1. To see that all the ordinances and regulations of the
17 council and of the department are enforced and complied with.

18 2. To inspect the drainage, sewage and garbage disposal.

19 3. To supervise the care, preparation, production and sale
20 of all articles in any way distributed for food consumption.

21 4. To enforce all laws of the State of California and all
22 regulations made by the department of health, applicable to
23 the city.

24 5. In the exercise and enforcement of the duties of his
25 department, he shall have the power of a peace officer, and
26 may make arrests for the violation of any ordinances or laws
27 governing his department, and may seize and confiscate any
28 articles of food unfit for human consumption.

29 6. When necessary to the efficiency of his department, he
30 may, with the consent of the manager, appoint one or more
31 physicians, emergency surgeons, bacteriologists, and food and
32 market inspectors, school and district nurses and a clerk of
33 the department, and prescribe and direct their duties.

34 7. He shall have supervision and control of all hospitals or
35 sanitoriums that may be established or maintained by the city.

36 *Department of public charities.*

37 SEC. 64. The department of charities shall be under the

1 supervision of a commissioner, who shall investigate all appli-
2 cations for charity, and may furnish relief for immediate want
3 or distress, and at once report the particulars of each case to
4 the public welfare commissioner. He shall have the care and
5 supervision of all homes, shelters and charitable institutions
6 maintained by the city, that are not under the supervision and
7 control of the department of health.

8 *Department of parks and playgrounds.*

9 SEC. 65. The department of parks and playgrounds shall
10 be under the supervision and direction of a park commissioner,
11 who shall have the care and supervision and management of
12 parks and playgrounds, and enforce the rules and regula-
13 tions relating thereto and the use thereof. He shall make
14 suggestions to the manager for improving and beautifying all
15 property under the supervision of his department and for the
16 general betterment thereof, for the purposes for which the
17 property is dedicated.

18 ARTICLE VII.

19 ELECTIONS.

20 *Mode of election.*

21 SEC. 66. The mode of nomination and election of all elective
22 officers of the city and members of the board of education shall
23 be as provided in this article.

24 *When held.*

25 SEC. 67. Within ten days after this charter shall have been
26 ratified by the legislature and a certified copy thereof has been
27 filed in the office of the secretary of state and a like copy has
28 been recorded in the office of the county recorder of Kern
29 county and deposited in the archives of the city, the governing
30 body of the city of Bakersfield shall call a nominating election
31 and a general election, under the provisions of this charter, to
32 elect officers as herein provided. The nominating election shall
33 be held on the first Tuesday after the expiration of fifty days
34 from the filing of the certified copy of this charter in the
35 archives, as aforesaid. The officers so elected shall hold office
36 until their successors are elected and qualified. Thereafter a
37 general election shall be held on the second Tuesday of April

of the year 1917, and each odd-numbered year thereafter, for the election of members of the council, and members of the board of education shall be elected as herein provided.

Condition of candidacy.

SEC. 68. The candidate, not later than the first presentation to the clerk of his petition of nomination, and not earlier than thirty days before such presentation, shall file with the city clerk a declaration of his candidacy, in the following form:

Declaration of Candidacy.

I, _____, residing at No. _____ street, Bakersfield, California, being duly sworn, hereby declare myself a candidate for the office of _____, to be voted for at the _____ municipal election, to be held in the city of Bakersfield, on the _____ day of _____, 19____, and hereby appoint _____, residing at No. _____ street, city of Bakersfield, verification deputy.

(Signed) _____

STATE OF CALIFORNIA, }
County of Kern. } ss.

Subscribed and sworn to before me this _____ day of _____, 19____.

Form of nominating petition.

SEC. 69. The petition for nomination shall consist of not less than twenty-five nor more than fifty individual certificates, which shall read substantially as follows:

PETITION OF NOMINATION.

(Individual Certificate)

I, the undersigned, certify that I do hereby join in a petition for the nomination of _____, whose residence is at No. _____, to be voted for the nominating election, to be held in the city of Bakersfield, on the _____ day of _____, 19____, for the office of _____; that I believe said _____ is fully qualified for said office, and should be elected thereto; and I further certify that I am a qualified elector, and am not, at this time, a signer of any other petition nominating any other candidate

1 for the above named office; that my residence is at No. -----
2 ----- street, between ----- street and
3 -----street, Bakersfield, and that my occu-
4 pation is -----.

5 (Signed) -----

6 *Forms to be supplied by city clerk.*

7 SEC. 70. It shall be the duty of the clerk to furnish, upon
8 application, a reasonable number of forms of individual certifi-
9 cate of the above character.

10 *Requirements of certificate.*

11 SEC. 71. Each certificate must be a separate paper. All
12 certificates must be of a uniform size, as determined by the
13 clerk. Each certificate must contain the name of one signer
14 thereto and the name of but one candidate. Each signer must
15 be an elector, entitled to vote for the candidate named, and must
16 not, at the time of signing a certificate, have signed any other
17 certificate for the same office. In case an elector has signed
18 two or more conflicting certificates, all except the one first pre-
19 sented shall be rejected. Each signer must sign his name in
20 the presence of the verification deputy, who must take oath
21 before some officer authorized to administer and certify oaths,
22 that the signatures thereto and each thereof, were made in his
23 presence, and are genuine.

24 *Date of presenting petition and form thereof.*

25 SEC. 72. A petition for nomination, consisting of not less
26 than twenty-five nor more than fifty individual certificates for
27 any one candidate, may be presented to the clerk, not earlier
28 than fifty days, nor later than twenty-five days before the elec-
29 tion. The clerk shall endorse thereon the day, hour and minute
30 when the petition was presented to him.

31 The certificates constituting such petition, before being pre-
32 sented to the clerk, shall be fastened together in book form,
33 arranged in alphabetical order, according to surnames, and
34 fastening them together at one edge in a secure and suitable
35 manner, and the certificates shall then be numbered consecu-
36 tively.

1 *Examinations of petitions by city clerk.*

2 SEC. 73. When a petition of nomination is presented for
3 filing to the clerk, he shall forthwith examine the same, and
4 ascertain whether it is sufficient under the provisions of this
5 charter. Within seven days thereafter he must examine and
6 determine whether or not it is sufficient and shall attach to said
7 petition his certificate, showing the result of said examination,
8 and forthwith send by registered mail, or deliver, a copy of said
9 certificate to the person seeking a nomination. If the petition
10 be found insufficient such certificate of the clerk shall designate
11 each individual certificate found to be defective and the defect
12 therein. If the petition be insufficient, it may be amended or
13 supplemented by the presentation of an additional nominating
14 petition containing additional nominating certificates, not later
15 than twenty-five days before the date of the nominating municip-
16 al election. The clerk shall, within five days after the pre-
17 sentation of such additional nominating petition, make like
18 examination and determination of the amended petition, and
19 attach to it a like certificate and mail a copy as aforesaid, and
20 if his certificate shall show the amended petition to be insuffi-
21 cient, or if no additional nomination petition shall have been
22 presented, the petition shall be returned to the person seeking
23 a nomination named as the person to whom the petition is to be
24 returned. If necessary, the council shall provide extra help to
25 enable the clerk to perform his duties, under any election pro-
26 vision of this charter.

27 *Withdrawal of signature.*

28 SEC. 74. Any signer to a certificate forming part of the
29 petition of nomination may withdraw his name from the same,
30 by filing with the clerk a revocation of his signature, before the
31 presentation of the petition to the city clerk, and not otherwise.
32 He may then sign a petition for another candidate for the
33 same office.

34 *Withdrawal of candidate for nomination.*

35 SEC. 75. Any person who has filed his declaration of candi-
36 dacy, as in this article provided, may, not later than thirty days
37 before the day of the nominating election, cause his name to

1 be withdrawn from nomination, by filing with the clerk an
2 affidavit stating that he so withdraws, and no name so with-
3 drawn shall be printed on the ballot.

4 *Filing of petitions.*

5 SEC. 76. If either the original or the amended petition be
6 found to conform to the provisions of this article, the clerk shall
7 file the same not later than twenty days before the date of the
8 election. When a petition of nomination shall have been filed
9 with the clerk, it shall not be withdrawn nor added to, and no
10 signature shall be revoked thereafter.

11 *Preservation of petitions.*

12 SEC. 77. The clerk shall preserve in his office for a period of
13 one year all petitions of nomination and all certificates belong-
14 ing thereto, filed under this section.

15 *Election proclamation.*

16 SEC. 78. Immediately after such petitions are filed, the clerk
17 shall enter the names of the candidates in a list, with the offices
18 to be filled, whether for a full or unexpired term and the names
19 of the candidates for each, and shall, not later than twenty
20 days before the nominating election, certify such list as being
21 the list of candidates nominated, and the council shall cause
22 said certified list to be filed and published in the proclamation
23 calling the election for three successive days, commencing seven
24 days before the day of the election. Said proclamation shall in
25 all other respects be governed by ordinances.

26 *Form of ballot.*

27 SEC. 79. The clerk shall cause the ballots to be printed and
28 bound and numbered as provided for by the state law, except as
29 otherwise required in this charter.

30 *Requirements of ballot.*

31 SEC. 80. The form of the ballot shall be prescribed by the
32 council and shall be printed on precisely the same size, quality
33 and tint of paper, with precisely the same kind of type and
34 color of ink, so that without the number it would be impossible
35 to distinguish one ballot from another; and the names of all
36 candidates printed upon the ballot shall be in type of the same
37 size and style. The names of the candidates for each office

1 shall be arranged in alphabetical order by surnames, and noth-
2 ing on the ballot shall be indicative of the source of the candi-
3 dacy or of the support of any candidate.

4 *Space for voting cross.*

5 SEC. 81. A space, one-half inch square, shall be left at the
6 right of the name of each candidate, wherein to mark the
7 cross.

8 SEC. 82. As many blank spaces as there are candidates
9 to be voted for shall be left below the printed names of candi-
10 dates for each office to be voted for, wherein the voter may
11 write the name of each person for whom he may wish to vote.
12 *Sample ballots.*

13 SEC. 83. The clerk shall cause to be printed sample ballots
14 identical, except on a different color of paper, with the ballot
15 to be used at the election, and shall furnish copies of the same,
16 on application, to registered voters, at his office for at least
17 five days before the date fixed for such election, and shall
18 mail one such ballot to each voter entitled to vote at such
19 election, so that all of said sample ballots shall have been
20 mailed at least five whole days before said election.
21 *General election.*

22 SEC. 84. There shall be two candidates nominated for each
23 officer to be elected and such number of candidates as may
24 receive a higher number of votes than any other opposing
25 candidates shall be the nominees; *provided*, that if there be
26 any person who, under the provisions of this article, would
27 have been entitled to become a candidate for any office, except
28 for the fact that one or more other persons received an equal
29 number of votes therefor, all such persons receiving an equal
30 number of votes shall likewise be candidates for such office.
31 If, at any nominating election, any candidate for any office
32 shall receive a majority of all votes cast for that office, he shall
33 be declared elected to the said office, and no other election
34 therefor shall be held. If, at any election, no candidate is
35 elected, by reason of a tie vote, the office for which such persons
36 were candidates shall, at the expiration of the current term,
37 become vacant.

1 *Informalities in election.*

2 SEC. 85. No informalities in conducting elections shall in-
3 validate the same, if they have been conducted fairly and in
4 substantial conformity to the requirements of this charter
5 and the ordinances relating thereto.

6 *General election regulations.*

7 SEC. 86. The provisions of the state law relating to the
8 qualifications of voters, the manner of voting, the duties of
9 election officers, the canvassing of returns, and all other par-
10 ticulars in respect to the management of elections, so far as
11 they may be applicable and not inconsistent or in conflict with
12 this charter shall govern all elections. The council shall meet
13 as a canvassing board and have the same powers and duties
14 as boards of supervisors.

15 RECALL ELECTIONS.

16 SEC. 87. Any officer elected or appointed for a definite
17 term may be recalled, after the expiration of three months
18 from the commencement of his term, by the electors entitled
19 to vote for his successor. When a petition for the recall of
20 a councilman is presented signed by electors of the ward which
21 he represents, equal in number to twenty-five per cent, or
22 more, of the total vote cast for councilman in such ward, at
23 the last general election, and certified by the clerk, and his
24 resignation shall not have been received, as herein provided,
25 the recall of such councilman shall be submitted to a vote of
26 the electors of said ward. When the officer sought to be
27 recalled is not a councilman, the recall of such officer shall
28 be signed by electors of the city equal in number to twenty-
29 five per cent, or more, of the number of votes cast at the last
30 general election. The signatures to such petition need not
31 be all appended to one paper.

32 SEC. 88. Petition papers shall be procured only from the
33 clerk, who shall keep a sufficient number of such blank peti-
34 tions for distribution, as herein provided.

35 SEC. 89. Prior to the issuance of such petition papers an
36 affidavit shall be made by one or more qualified electors and
37 filed with the clerk, stating the name and office of the officer

1 sought to be removed. The clerk, upon issuing such petition
2 papers to an elector, shall enter, in a record to be kept in his
3 office, the name of the elector to whom issued, the date of such
4 issuance, and the number of papers issued, and shall certify
5 upon such paper the name of the elector to whom issued and
6 the date of the issuance. No petition paper so issued shall be
7 accepted as a part of a petition unless it bears such certificate
8 of the clerk and unless it be filed as provided herein.

9 SEC. 90. Each signer of a recall petition shall sign his
10 name in ink or indelible pencil and shall place thereon after
11 his name his place of residence by street and number. To
12 each such petition paper shall be attached an affidavit of the
13 circulator thereof, stating the number of signers to such part
14 of the petition and that each signature appended to the paper
15 was made in his presence and is the signature of the person
16 whose name it purports to be.

17 SEC. 91. All papers comprising a recall petition shall be
18 assembled and filed with the clerk as one instrument within
19 thirty days after the filing with the clerk of the affidavit stating
20 the name and office of the officer sought to be removed. Within
21 ten days from the date of the filing of such petition, the clerk
22 shall determine the sufficiency thereof and attach thereto a
23 certificate showing the result of his examination. If the clerk
24 shall certify that the petition is insufficient, he shall set forth
25 in the certificate the particulars in which the petition is defec-
26 tive, and shall return a copy of the certificate to the circulator
27 thereof.

28 SEC. 92. Such recall petition may be amended at any time
29 within twenty days after the making of the certificate of
30 insufficiency by the clerk, by filing a supplementary petition
31 upon an additional petition paper, issued, signed and filed as
32 provided herein for the original petition. The clerk shall,
33 within ten days after such amendment is filed, make like
34 examination of the amended petition, and if his certificate shall
35 show the same to be still insufficient, he shall return it to the
36 person designated in such petition to receive it, without

1 prejudice, however, to the filing of a new petition for the same
2 purpose.

3 SEC. 93. If a recall petition or amended recall petition
4 shall be certified by the clerk to be sufficient, he shall at once
5 submit the same with his certificate to the council and notify
6 the officer sought to be recalled of such action. If the official
7 whose removal is sought does not resign within five days after
8 such notice, the council shall thereupon order and fix a day for
9 holding a recall election. Such election shall be held not less
10 than forty nor more than sixty days after the petition has been
11 presented to the council, at the same time as any other general
12 or special election which may be held within such period; if
13 no such election be held within such period, the council shall
14 call a special recall election to be held within the time aforesaid.

15 SEC. 94. The form of ballots used in recall elections, the
16 method of marking and counting such ballots, and determining
17 and declaring the result of such election shall conform to the
18 provisions of this charter, relating to regular elections.

19 SEC. 95. Nominations of candidates to succeed any officer
20 whose removal is sought and the election of his successor shall
21 be made in the manner provided for nominations elections and
22 general elections.

23 SEC. 96. If recalled his successor shall hold office during the
24 unexpired term. If the successor fails to qualify within ten
25 days after receiving notice of his election, the office shall there-
26 upon be vacant.

27 SEC. 97. An officer removed from office by recall election,
28 or who shall resign from such office pending recall proceedings
29 against him, shall be ineligible to hold the same office within
30 two years after such recall or resignation.

31 ARTICLE VIII.

32 JUDICIAL DEPARTMENT.

33 *Police court.*

34 SEC. 98. There is hereby created in and for the city of
35 Bakersfield a court, which shall be known as the police court
36 of the city of Bakersfield.

1 *Qualification of judge.*

2 SEC. 99. Said court shall have one judge, who shall be
3 appointed by the council for the term of two years and until
4 his successor shall be appointed and qualified. The judge of
5 said police court shall be subject to removal only by recall in
6 the manner provided in this charter for the recall of elective
7 officers.

8 *Exclusive jurisdiction.*

9 SEC. 100. The said court shall have exclusive jurisdiction;

10 1. In all criminal prosecutions of misdemeanors, under this
11 charter, or ordinances of the city;

12 2. In all actions for the recovery of any fine, penalty or
13 forfeiture, for the enforcement of any obligation or liability
14 prescribed or created by the city ordinances, in which the sum
15 sued for, exclusive of interest, does not amount to three
16 hundred dollars.

17 *Concurrent jurisdiction with justices' court.*

18 SEC. 101. Within the city limits said court shall have con-
19 current and coordinate jurisdiction with township justice's
20 courts, in case of misdemeanor, in which said justices' courts
21 now or may hereafter have jurisdiction.

22 *Appeals.*

23 SEC. 102. Appeals may be taken to the superior court of
24 the State of California, in and for the county of Kern, from
25 the judgments and orders of said police court, in all cases
26 in which appeals now or may hereafter be taken to said superior
27 court, from said justices' courts and police courts.

28 *Proceedings on appeal.*

29 SEC. 103. In all proceedings in and appeals from said
30 police court, the pleadings, practice, procedure and laws now
31 applicable or that may hereafter be made applicable to said
32 justice courts, are hereby adopted and made applicable to said
33 police court.

34 *Inability of judge to act.*

35 SEC. 104. Upon the sickness, absence or inability to act of
36 the judge of said police court, he shall cause to preside in his

1 place any qualified justice of the peace or judge of any other
2 inferior court of the county of Kern.

3 *Proceedings as in justice courts.*

4 SEC. 105. All provisions of law relating to justices of the
5 peace and justices' courts, including appeals, are hereby made
6 applicable to said police court; and said court and said judge
7 shall have all powers and jurisdiction now or hereafter con-
8 ferred by law upon justices' courts, police courts or justices
9 of the peace in criminal cases.

10 *Fines paid into general fund.*

11 SEC. 106. All fines imposed and collected by the police
12 court, and not otherwise appropriated by the general law of the
13 state, shall be paid into the general fund of the city. The
14 council shall provide a courtroom and courtroom accommoda-
15 tions, dockets, blanks and stationery.

16 *Violation of state laws.*

17 SEC. 107. Police officers of the city shall have authority
18 and it shall be their duty to make arrests for all violations of
19 any of the laws of the State of California.

20 ARTICLE IX.

21 PUBLIC UTILITIES.

22 *Ownership.*

23 SEC. 108. It is hereby declared to be the purpose and inten-
24 tion of the people of the city of Bakersfield that such public
25 utilities as shall be deemed best for the interest of the people
26 shall be acquired by purchase, condemnation or construction,
27 and owned and operated by the city.

28 *Control and fixing of rates.*

29 SEC. 109. The power to control the operation of, and to fix
30 rates to be charged by, public utilities shall be in the railroad
31 commission of the State of California, or such commission or
32 tribunal as may exercise the powers now vested in the railroad
33 commission of California, until the electors shall, at a special
34 election, vest said powers in the council.

35 *Plan submitted to voters.*

36 SEC. 110. The council shall, upon petition of electors equal
37 in number to not less than thirty-five per cent of the votes cast

1 at the last general municipal election, submit as separate ques-
2 tions, by ordinance, to the electors of the city, at any general
3 municipal election thereof, a plan for the acquisition of one or
4 more public utilities and its adoption and the issuance of bonds
5 of the city for the payment therefor.

6 *Estimate of cost.*

7 SEC. 111. Before submitting for adoption any plan for the
8 construction and establishment of a public utility, the council
9 shall cause to be ascertained and made an estimate of the cost
10 at which such public utility can be constructed or acquired.

11 *Contents of ordinance calling election.*

12 SEC. 112. The ordinance calling such election shall contain
13 a statement of the plan proposed for the acquisition of such
14 public utility or utilities, naming the same, the estimated cost
15 or price thereof, and shall otherwise conform to the provisions
16 of this charter governing the calling and holding of elections
17 for the incurring of bonded indebtedness, and the law for hold-
18 ing of elections therefor.

19 *Operation.*

20 SEC. 113. In the event the city should acquire one or more
21 public utilities, the operation of the same shall be under the
22 supervision of the city manager.

23 *Property rights of city inalienable.*

24 SEC. 114. The rights of the city in and to its public build-
25 ings, streets, highways, public parks and all other public places
26 owned or controlled, except as otherwise provided in this char-
27 ter, are hereby declared inalienable and no franchise, permit
28 or privilege granted shall be construed as carrying the right
29 to cut, trim, break or destroy any shade, ornamental or other
30 tree on or in the parking space of any street or public park.

31 *Granting franchise.*

32 SEC. 115. No franchise shall be granted by the council unless
33 as otherwise especially provided in this charter, but may be
34 granted by the electors by ordinance passed by referendum
35 vote at any general election, or at a special election, provided
36 that no franchise shall be granted for a longer term than

1 twenty-five years, and no exclusive franchise, permit or privi-
2 lege shall be granted.

3 *Public utilities.*

4 SEC. 116. No person, firm or corporation shall ever exercise
5 any franchise, permit or privilege mentioned in this article,
6 except in so far as the holder thereof may be entitled to do so
7 by direct authority of the constitution of California, or of the
8 constitution or laws of the United States, in, upon, over, under
9 or along any street, highway or other public property in the
10 city, unless a grant therefor shall have been obtained in accord-
11 ance with the provisions of this article.

12 *Application for franchise.*

13 SEC. 117. An applicant for a franchise, permit or privilege,
14 shall file with the council written application therefor which
15 must state the character and purpose of the franchise, permit
16 or privilege applied for; and if it be a street railroad, the route
17 to be traversed. Said application shall be accompanied by a
18 petition, signed by electors, equal in number to at least twenty
19 per centum of the votes cast at the last preceding general
20 election, asking that an ordinance granting the franchise be
21 submitted to the vote of the electors of the city.

22 *Advertisement.*

23 SEC. 118. The council, upon receipt of such application and
24 petition as provided in the foregoing section, shall publish a
25 notice of said application and petition in a daily newspaper of
26 general circulation in the city, as often as said paper is pub-
27 lished, for ten successive publications. Said notice must refer
28 to the petition and application in full, and state the time prior
29 to which, the place where and the person to whom, sealed bids
30 for such franchise may be delivered, and the time and place
31 the same will be opened and published, and that an ordinance
32 will be submitted to a vote of the electors of the city, awarding
33 the franchise, permit or privilege to the bidder offering to pay
34 to the city, during the life of the franchise, permit or privilege,
35 the highest percentage of the gross annual receipts received
36 from the use, operation or possession, of the franchise, permit
37 or privilege, provided that such percentage be not less than

1 three per centum of the said gross annual receipts for the
2 entire life of the franchise, permit or privilege.

3 *Bidding for franchise.*

4 SEC. 119. At the time of opening the sealed bids, any
5 responsible person, firm, or corporation may bid for such fran-
6 chise, permit or privilege not less than one half of one per
7 cent of the gross annual receipts for the entire term of the
8 franchise, above the highest sealed bid therefor, and such bid
9 so made may be raised not less than one half of one per cent
10 of the gross annual receipts for such entire term by any other
11 responsible bidder, and such bidding shall continue until there
12 are no further bids, then the council shall submit, within not
13 less than thirty days and not more than one hundred twenty
14 days thereafter, to the electors an ordinance granting a fran-
15 chise to the highest bidder in accordance with the application
16 and petition.

17 *Division of receipts.*

18 SEC. 120. If the franchise, permit or privilege is for a
19 street railroad which shall extend beyond the limits of the city
20 of Bakersfield, then and in that case the percentage of the
21 gross receipts above specified shall be fixed by ordinance.

22 *Deposit as guarantee of good faith.*

23 SEC. 121. Every applicant or bidder for franchise, permit
24 or privilege under this article, shall deposit \$2,000.00 or a
25 certified check therefor, payable to the city treasurer, certified
26 to by some responsible bank, in Kern county, as a guarantee of
27 the good faith of the applicant or bidder, and as a fund out
28 of which to pay all expenses connected with such application
29 and the granting of such franchise, permit or privilege. All
30 deposits made by unsuccessful bidders shall be returned.
31 Deposit of the successful bidder shall be retained, until the
32 approval and filing of the bond hereinafter provided for,
33 whereupon the remainder of such deposit, after the payment
34 therefrom of all expenses incurred by the city in connection
35 with the advertising and awarding of such franchise, permit
36 or privilege, including the expense of a special election, where

1 such special election was held for the purpose of granting the
2 said franchise, shall be returned.

3 *Filing of bonds.*

4 SEC. 122. The grantee of any franchise, permit or privilege,
5 shall file a bond running to the city, to be approved by the
6 council, in the penal sum prescribed by the council, and set
7 forth in the advertisements for bids, conditioned that such
8 bidder shall well and truly observe and faithfully perform
9 each and every term and condition of such franchise, permit
10 or privilege and that in case of any breach of condition of such
11 bond, the whole amount of the penal sum therein named shall
12 be taken and deemed to be liquidated damages and shall be
13 recoverable from the principal and surety upon such bond;
14 *provided, however,* that the legislative body of the city shall
15 have power to waive action on the bond, and in lieu thereof,
16 declare the franchise forfeited. In case such bond be not so
17 filed, within thirty days after the result of the election award-
18 ing the franchise has been officially declared by the council,
19 the award of such franchise, permit or privilege shall be set
20 aside and any money deposited in connection with the award-
21 ing of the franchise, permit or privilege shall be forfeited.

22 *Beginning and completion of work.*

23 SEC. 123. Construction work under any franchise, permit
24 or privilege granted, in accordance with the terms of this arti-
25 cle, shall be commenced in good faith, within not more than
26 four months from the date of the taking effect of the ordinance,
27 and if not so commenced within said time, said franchise, per-
28 mit or privilege shall be forfeited. Work under any franchise,
29 permit or privilege so granted shall be completed within the
30 time fixed for such completion in the ordinance granting such
31 franchise, permit or privilege, and if not so completed within
32 said time, such franchise, permit or privilege shall be forfeited;
33 *provided,* that if good cause be shown, the council may, by
34 resolution, extend the time for completion thereof; *and pro-*
35 *vided, further,* that the limitations and provisions thereof, as
36 to the time within which work shall be completed shall not
37 apply to the extensions of service under franchises, permits,

1 or privileges, other than for railroads, street railroads or
2 interurban railroads.

3 *Service and accommodation.*

4 SEC. 124. The grant of every general municipal franchise,
5 permit or privilege shall be subject to the right of the city,
6 whether or not reserved in such grant, to make all regulations
7 which shall be necessary to secure in the most ample manner
8 the safety, welfare and accommodation of the public, includ-
9 ing the right to pass and enforce ordinances for the exten-
10 sion of service and to protect the public from danger or incon-
11 venience in the operation of any work or business authorized
12 by the grant of the franchise, permit or privilege, and the
13 right to make and enforce all such regulations as shall be
14 reasonably necessary to secure adequate, sufficient and proper
15 service and accommodations for the people and insure their
16 safety, comfort and convenience. Nothing in this section shall
17 be construed as conflicting with section 109 of this charter.

18 All United States mail carriers, when in uniform, and all
19 policemen and members of the fire department, while in actual
20 discharge of their duties, shall be allowed to ride in all cars
21 of street railroads within the boundaries of the city, without
22 paying fare and with all rights of other passengers.

23 *Lease or assignment of franchise.*

24 SEC. 125. The council shall not pass an ordinance permit-
25 ting the leasing or alienation of any franchise, so as to relieve
26 the franchise or property held thereunder, from the liabilities
27 by the lessor or grantor, lessee or grantee, contracted or
28 incurred in the operation, use or enjoyment of such franchise
29 or any of its privileges.

30 *Street paving.*

31 SEC. 126. Every grant of any franchise, for a street or
32 other railway, shall be subject to the conditions that person,
33 firm, or corporation exercising or enjoying the same shall
34 plank or replank, pave or repave, macadamize or remacada-
35 mize the entire length of the street, highway or other public
36 place used by the track or tracks or such railway, and two
37 feet each side thereof, and between the tracks, if there be

1 more than one, and keep the same in repair and flush with
2 the surface of the street. Such street work must be done
3 with such materials and in such manner as the council may
4 by ordinance direct, at the same time and as part of the same
5 operation as the work on the remainder in width of said
6 street, highway or other public place, to the satisfaction of
7 the city manager.

8 *Examination of company's books.*

9 SEC. 127. All ordinances granting franchise, permits, or
10 privileges under this article, shall provide that the grantee, his
11 successors or assigns, shall keep, in such manner as the coun-
12 cil may from time to time require, vouchers, records, and
13 books of accounts. The city shall have the right, at all
14 reasonable times, to examine all the books, vouchers, records
15 and other papers, of all holders exercising or enjoying any
16 franchise, permit or privilege under this article. Refusal to
17 keep said books, vouchers and records, in the manner pro-
18 vided above, or to produce the same at any reasonable time
19 for examination, by the clerk, accountant, or other agents,
20 appointed by the council, shall work a forfeiture of the said
21 franchise, permit or privilege.

22 *Annual report of company.*

23 SEC. 128. Every holder, or operator, of any business
24 under a franchise, permit or privilege granted under this
25 article shall file annually with the city clerk, on such date
26 as shall be fixed by the council, a report for the preceding
27 year. Such report shall be in writing, verified by the affidavit
28 of such person or persons, or officer of the corporation, as
29 the council shall direct, and shall contain a statement, in such
30 form and details as shall from time to time be prescribed
31 by the council, of all the gross receipts arising from all the
32 business done under said franchise, permit or privilege, within
33 the city for the year immediately preceding such report.
34 Such report shall contain such further information as may be
35 required by the council concerning the character and amount
36 of business done under said franchise, permit or privilege,
37 and the amount of receipts and expenses connected therewith,

1 and also an itemized account of the money expended under
2 said franchise, permit or privilege, for new construction,
3 repairs and betterments during the year. The council shall
4 have power to call for a special report, at any time covering
5 any specific period.

6 *Books of records and reference.*

7 SEC. 129. The council shall provide and cause to be kept
8 in the office of the city clerk a franchise record, indexed, and
9 of proper form. in which shall be transcribed accurate and
10 correct copies of all franchises, permits, or privileges granted
11 by the city, the names of the grantees, and thereafter the
12 name of any assignee or lessee thereof.

13 *Payment of gross receipt.*

14 SEC. 130. The stipulated percentage of gross receipts pro-
15 vided in this charter to be paid for the use and enjoyment
16 of any franchise, permit or privilege as set forth in the ordi-
17 nance granting such franchise, permit or privilege, shall be
18 paid annually by the holders thereof, at the time of filing
19 the annual report provided for in this charter. Failure to
20 pay such percentage shall work a forfeiture of the franchise.

21 *Franchise for railroads other than street railroads.*

22 SEC. 131. Franchises, permits or privileges may be granted
23 by the council, for the construction, maintenance and oper-
24 ation of railroads other than street railroads, along, upon,
25 over, in, under or across any street or streets, or other public
26 places in the city, upon petition therefor provided for street
27 railroads, but no action shall be taken upon any such appli-
28 cation or petition, until thirty days after the same has been
29 filed. If within that time a petition is filed and signed by
30 the electors of the city, equal in number to ten per centum,
31 or more, of the total votes cast at the last general election,
32 praying that the granting of said franchise be referred to a
33 vote of the electors of the city, said application shall be so
34 referred under same provisions governing the granting of
35 franchise for street railroads.

36 *Franchises for siding and spurs.*

37 SEC. 132. Franchises for temporary spurs or side tracks

1 may be granted for not more than one year by the council
2 upon the same notice as provided in the foregoing section,
3 and may be revoked when the purpose for which granted shall
4 cease.

5 *Ice a public utility.*

6 SEC. 133. Ice being a necessity in the city of Bakersfield,
7 the manufacture, sale and distribution thereof is hereby
8 declared to be a public utility, and the city shall have and
9 is hereby given the power to purchase or manufacture, and
10 sell and distribute ice the same as any other public utility.

11 ARTICLE X.

12 PUBLIC WORK AND SUPPLIES.

13 *Form of contracts.*

14 SEC. 134. All contracts shall be drawn under the super-
15 vision of the city attorney. All contracts must be in writing,
16 executed in the name of the city of Bakersfield, by an officer
17 or officers authorized to sign the same, and must be counter-
18 signed by the auditor, who shall number and register the
19 same in a book kept for that purpose.

20 *Progressive payments of contracts.*

21 SEC. 135. Any contract may provide for progressive pay-
22 ments if in the ordinance authorizing or ordering the work
23 permission is given for such payment. But no progressive
24 payments can be provided for or made at any time which,
25 with prior payments, if there have been such, shall exceed
26 in amount at time seventy-five per cent of the value of the
27 labor done and the materials used up to that time, and no
28 contract shall provide for or authorize or permit the pay-
29 ment of more than seventy-five per cent of the contract price
30 before the completion and acceptance of the work.

31 *Public work to be done by contract.*

32 SEC. 136. In the erection, improvement and repair of all
33 public buildings and works, and in furnishing any supplies
34 and materials for the same, or for any other use by the
35 city, when the expenditure required for the same exceeds
36 the sum of five hundred dollars, the same shall be done by

1 contract, and shall be let to the lowest responsible bidder,
2 after advertising for sealed proposals for the work con-
3 templated for five consecutive days in the official newspaper.
4 Such notice shall state the proposed work to be done as pro-
5 vided by the council; *provided, however*, the council may
6 reject any and all bids, if deemed excessive, and readvertise
7 for bids, or provide for the work to be done under the direc-
8 tion of the city manager. In case no bid is received, the
9 council may likewise provide for the work to be done under
10 the direction of the city manager.

11 *Contracts for official advertising.*

12 SEC. 137. The council shall let annually contracts for the
13 official advertising for the ensuing fiscal year. For this pur-
14 pose the council shall advertise five consecutive days, setting
15 forth distinctly and specifically the work contemplated to be
16 done, and asking for sealed bids therefor. The proposals
17 shall specify the type and spacing to be used at the rate or
18 rates named in the bids. The council shall let the contracts
19 for such official advertising to the lowest responsible bidder,
20 publishing a daily newspaper in the city which is qualified
21 under the laws of the State of California for the publication
22 of official advertising, provided that the council may reject
23 any or all bids if found excessive, and advertise for new bids.

24 *Official newspaper.*

25 SEC. 138. The newspaper to which the award of such
26 advertising is made shall be known and designated as the
27 "official newspaper."

28 *Contracts for lighting.*

29 SEC. 139. No contract for lighting streets, public buildings,
30 places or offices shall be made for a longer period than one
31 year, nor shall any contract to pay for electric light or any
32 illumination material at a higher rate than the minimum price
33 charged to any other consumer be valid.

34 *Collusion with bidder.*

35 SEC. 140. Any officer of the city, or of any department
36 thereof, who shall aid or assist a bidder in securing a contract
37 to furnish labor, material or supplies at a higher price than

1 that proposed by any other bidder or who shall favor one
2 bidder over another by giving or withholding information or
3 who shall wilfully mislead any bidder in regard to the charac-
4 ter of the material or supplies called for, or who shall know-
5 ingly accept materials or supplies of a quality inferior to
6 those called for by the contract, or who shall knowingly certify
7 to a greater amount of labor performed than has actually been
8 performed, or to the receipt of a greater amount or different
9 kind of material or supplies than has been actually received,
10 shall be deemed guilty of malfeasance and shall be removed
11 from office.

12 *Collusion by bidder.*

13 SEC. 141. If the person to whom a contract has been
14 awarded has colluded with any other party or parties for the
15 purpose of preventing any other bid being made, the contract
16 so awarded shall be void.

17 *Hours and minimum wages.*

18 SEC. 142. The time of service of any laborer, workman or
19 mechanic employed upon any of the public works of the city,
20 or upon work done for said city, is hereby limited and
21 restricted to eight hours during any one calendar day; and it
22 shall be unlawful for any officer, or agent of said city, or for
23 any contractor or subcontractor doing work under contract
24 upon any public work aforesaid, who employs, or who directs
25 or controls, the work of any laborer, workmen, or mechanic
26 employed as herein aforesaid, to require or permit such
27 laborer, workman, or mechanic to labor more than eight hours
28 during any one calendar day, except in cases of extraordinary
29 emergency, caused by fire, flood, or danger to life or property,
30 or except to work upon any public, military or naval defenses
31 or works in time of war. The minimum wage of any laborer,
32 workman or mechanic, employed upon any public work,
33 whether so employed directly by the city and its officers, or by
34 contractor or subcontractor, or by any other person or persons,
35 shall be three dollars for any one calendar day.

36 *Penalty for violation.*

37 SEC. 143. Any officer or agent of the city of Bakersfield,

1 making or awarding, as such officer or agent, any contract,
2 the execution of which involves or may involve the employ-
3 ment of any laborer, workman, or mechanic upon any of the
4 public works, or upon work done for the city, shall cause to be
5 inserted therein a stipulation which shall provide that the
6 contractor to whom said contract is awarded, shall forfeit as
7 a penalty, to the city, ten dollars, for each laborer, workman,
8 or mechanic employed, in the execution of said contract, by
9 him, or by any subcontractor under him, upon any of the
10 public works, or upon any work done for the city, for each
11 calendar day during which such laborer, workman, or
12 mechanic is required or permitted to labor more than eight
13 hours, or for less than the minimum wage of three dollars in
14 violation of the provisions of this charter; and it shall be the
15 duty of such officer or agent to take cognizance of all viola-
16 tions of the provisions of this charter committed in the course
17 of the execution of said contract, and to report the same to
18 the representative of the city, party to the contract, authorized
19 to pay said contractor moneys becoming due to him under
20 said contract, and said representative, when making payments
21 of moneys thus due, shall retain and withhold therefrom all
22 sums and amounts which shall have been forfeited pursuant
23 to the herein said stipulation. Any officer, agent or repre-
24 sentative of the city, who shall violate any of the provisions
25 of this section, shall be deemed guilty of misdemeanor, and
26 shall, upon conviction, be punished by a fine not exceeding
27 five hundred dollars, or by imprisonment, not exceeding six
28 months, or by both.

29 *Employment of citizens of Bakersfield.*

30 Sec. 144. When laborers, workmen or mechanics, are
31 employed upon any public work, whether so employed directly
32 by the city and its officers, or by contractor or subcontractor,
33 or by any other person or persons, such laborers, workmen or
34 mechanics whenever possible must be qualified electors of the
35 city, and married men must be given preference over unmarried
36 men.

ARTICLE XI.

PUBLIC SCHOOLS.

Membership.

SEC. 145. The board of education shall consist of five members, elected at the general election on a general ticket from the city at large, arrangements shall be made so that voters residing within the limits of the Bakersfield school district and without the limits of the city of Bakersfield may vote for such school directors at such election.

Eligibility.

SEC. 146. Members of the board of education and candidates therefor must be electors of the city of Bakersfield for three years next preceding nomination.

Term of office.

SEC. 147. Members of the board of education shall hold office for a term of four years from and after the first day of May after their election and until their successors are elected or appointed and qualified, unless sooner removed by recall or otherwise; *provided*, that the members of the board of education first elected under this charter shall, at their first meeting, so classify themselves by lot, that two shall serve for two years and three for four years.

The board of education.

SEC. 148. The board of education shall have control and management of the public schools in the Bakersfield school district in accordance with the constitution and general laws of the state, and is hereby vested with all the powers and charged with all the duties provided by this charter and by the general laws of the state for city boards of education.

President of the board.

SEC. 149. The board of education shall annually elect one of its own members to be president of the board. He may be removed by the affirmative vote of four members.

Meetings.

SEC. 150. The board of education shall meet at such times as may be designated by resolution of said board and in the

1 place provided therefor by the council. The board shall provide
2 the manner in which special meetings shall be called.

3 *Quorum.*

4 SEC. 151. Three members of the board shall constitute a
5 quorum and the affirmative votes of three members shall be
6 necessary to pass any measure, but a less number than three
7 may adjourn from time to time and compel the attendance of
8 absent members in such manner as the board may prescribe.

9 *Rules of proceedings.*

10 SEC. 152. The board of education may determine the rules
11 of its proceedings.

12 *Meetings to be public.*

13 SEC. 153. All meetings of the board of education shall be
14 public.

15 *Annual estimate of expenses.*

16 SEC. 154. The board of education shall annually, on such
17 date as shall be fixed by the council, submit in writing to the
18 council a careful estimate of the whole amount of money to be
19 received from the state and county for the support of the
20 public schools in the city, together with a careful estimate of
21 the amounts, specifying in detail the objects thereof, required
22 from the city for the adequate support of the public schools
23 for the ensuing year. The amount estimated to be required
24 from the city, shall, subject to the provisions of this charter, be
25 assessed and collected in the annual tax levy.

26 *Record to be kept.*

27 SEC. 155. The board of education shall keep a complete
28 record of its proceedings and the same shall be open to the
29 inspection of the public.

30 *Vacancies.*

31 SEC. 156. Vacancies occurring in the board of education
32 shall be filled by the board of education, provided that in case
33 such vacancy or vacancies are not filled within thirty days
34 after date of occurrence, the council shall fill such vacancy or
35 vacancies.

36 *Ex officio library board.*

37 SEC. 157. The members of the board of education shall be

ex officio members of, and shall constitute, the library trustees, and shall have the powers and duties prescribed by the council, unless herein otherwise given.

ARTICLE XII.

MISCELLANEOUS.

Continuation of officers.

SEC. 158. The board of trustees of the city of Bakersfield, under the present municipal government thereof, shall be and is hereby continued as such governing body, until the election and qualification of members of the council, under this charter. No officer, commissioner, head of department, clerk or employee, appointed before the members of the council elected at the first election have qualified, shall hold office, except at the pleasure of the council so elected.

Validity of proceedings.

SEC. 159. All ordinances of the city, in force at the time this charter becomes effective, shall be and remain as valid ordinances of the city of Bakersfield, until amended or repealed.

SEC. 160. All proceedings, all contracts, all indebtedness and obligations of the city, existing at the time this charter takes effect, including the expense of compiling this charter and the election thereof, shall be in no way affected by the adoption of this charter or by the municipal government established thereunder; all official signatures and seals and all ministerial or executive acts of the proper officers of the city, prior to the taking effect of this charter, shall be valid; and all certificates acceptances and approvals or receipts of any officer under the preceding government, relating to or for anything prior to the taking effect of this charter, shall be valid.

SEC. 161. Whenever any municipal function or affair arises, for which no provision is made by this charter or ordinances, the law of the state applicable thereto shall govern. Any law of the state applicable may be made the law of the city by ordinance.

SEC. 162. The rules of construction and interpretation and the definition of words and phrases provided by the Political Code of the State of California, the Civil Code of the State of

1 California, the Code of Civil Procedure of California and the
2 Penal Code of California, shall be and are hereby made the
3 rules of construction and interpretation and the definitions for
4 this charter, except where otherwise provided herein.

5 SEC. 163. The following words have, in this charter, the
6 signification attached to them in this connection, unless other-
7 wise apparent from the context:

8 The word "elector" shall mean electors under the election
9 law of California, and whose names are in the current great
10 register of the county of Kern, and who are entitled to vote
11 in the precinct or ward where they reside.

12 "Council" shall mean the council of the city of Bakersfield,
13 as the governing body thereof.

14 "City" shall mean the city of Bakersfield.

15 SEC. 164. Papers and petitions addressed to the council
16 shall be deemed presented when filed with the clerk.

17 *In witness whereof*, We have hereunto set our hands at
18 the city of Bakersfield, county of Kern, State of California,
19 this thirty-first day of August, 1914.

20 S. F. SMITH

21 LOUIS V. OLCESE

22 C. L. TAYLOR

23 JOSEPH REDLICK

24 GUS. SCHAMBLIN

25 E. A. WHEELER

26 H. E. METZNER

27 W. G. HUDLOW

28 E. B. DUNCAN

29 A. G. LITTLE

30 RAY STEVENSON

31 W. A. STARR

32 J. B. CRANDALL

33 ELBERT E. McCLURE

34 GEO. HAY

35 (Endorsed) : Filed Sept. 3, 1914.

36 A. G. JONES, City Clerk.

1 STATE OF CALIFORNIA,
2 County of Kern, } ss.
3 City of Bakersfield. }

4 I, W. V. Matlack, president of the board of trustees of
5 the city of Bakersfield, State of California, do hereby certify
6 that I now am, and at all the times herein mentioned was,
7 the duly elected, qualified and acting president of the
8 board of trustees of said city; that S. F. Smith, Louis V.
9 Olcese, C. L. Taylor, Joseph Redlick, Gus Schamblin, E. A.
10 Wheeler, H. E. Metzner, W. G. Hudlow, E. B. Duncan, A. G.
11 Little, Ray Stevenson, W. A. Starr, J. B. Crandall, Elbert E.
12 McClure and Geo. Hay, a majority of whose names appear
13 signed to the foregoing proposed charter were, and each of
14 them was on the 5th day of May, 1914, at a special election
15 held in said city of Bakersfield on said day duly elected by
16 the qualified voters of the said city as a board of freeholders to
17 prepare and propose a charter for said city of Bakersfield;
18 that each of said persons so elected was a freeholder and was
19 at the time of said election and had been continuously for
20 more than five years immediately prior thereto a qualified
21 elector of said city of Bakersfield; that the foregoing is a full,
22 true and correct copy of said charter prepared by said board
23 of freeholders, and filed in the office of the city clerk of said
24 city of Bakersfield on the 3rd day of September, 1914, and
25 within 120 days after the result of said election was declared
26 by the said board of trustees as required by section 8 of
27 article XI of the constitution of this state; that said proposed
28 charter was then published in the Bakersfield Californian,
29 which at all times herein mentioned was, and now is a daily
30 newspaper of general circulation, printed, published and cir-
31 culated in said city of Bakersfield; that said proposed charter
32 was published ten times in said newspaper on the following
33 days of publication, to wit: September 17, 18, 19, 21, 22, 23,
34 24, 25, 26 and 28, 1914; that the first publication thereof was
35 made on the 17th day of September, 1914, and within fifteen
36 days after the filing of a copy of said charter as aforesaid
37 in the office of the city clerk of said city of Bakersfield; that,

1 as required by section 8 article XI of said constitution, a
2 special election was held in said city not less than twenty
3 days, nor more than forty days after the completion of the
4 publication of said charter, to wit: on the 7th day of Novem-
5 ber, 1914, for the purpose of ratifying said proposed charter
6 as a whole; that by a majority of the votes of the qualified
7 electors voting at said election said proposed charter was
8 ratified as a whole. That the returns of said election were
9 duly canvassed by the board of trustees of said city of Bakers-
10 field on the 11th day of November, 1914, and the result
11 thereof declared as above set forth; and that in all matters
12 and things pertaining to said proposed charter all provisions
13 of said section of the constitution and the laws of the State of
14 California pertaining to the adoption of said charter have
15 been fully complied with in every particular.

16 *In witness whereof*, I have hereunto set my hand and caused
17 the corporate seal of the city of Bakersfield to be affixed this
18 2nd day of January, 1915.

19 W. V. MATLACK,
20 President of the Board of Trustees
21 of the City of Bakersfield.

22 Attest: A. G. JONES,
23 [SEAL.] City Clerk of the City of Bakersfield.

24 AND WHEREAS, The said charter of the city of Bakersfield
25 so ratified is now submitted to the legislature of the State
26 of California, for approval or rejection without power of
27 alteration or amendment in accordance with section eight of
28 article eleven of the constitution of the State of California.
29 Now, therefore, be it

30 *Resolved by the assembly of the State of California, the*
31 *senate thereof concurring* (a majority of all members elected
32 to each house voting for the adoption of this resolution and
33 concurring therein), That the said charter of the said city of
34 Bakersfield hereinbefore set forth as presented and submitted
35 to and adopted and ratified by the qualified electors of the
36 said city of Bakersfield be, and the same is, hereby approved
37 as a whole for and as the charter of the said city of
38 Bakersfield.

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